

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3050
	)	
v.	)	
	)	
JOSE A. ARTIAGA,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	

The defendant has moved for a sixty-day continuance of the trial currently set for October 13, 2009. Filing No. [23](#). The defendant's motion states the parties are attempting to resolve this matter by agreement, but additional time is needed for preparation and negotiations. Counsel for the government does not oppose the requested continuance. The Court, being fully advised in the premises, finds that said motion should be granted.

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. [23](#)), is granted.
- 2) The trial of this case is set to commence before the Honorable Warren K. Urbom at 9:00 a.m. on December 14, 2009 for a duration of five trial days. Jury selection will be at the commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the statements of his counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time

between today's date and December 14, 2009 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 29<sup>th</sup> day of September, 2009.

BY THE COURT:

*Richard G. Kopf*

United States District Judge